

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
(DALLAS DIVISION)

MILLARD ANDERSON and  
JENNIFER ANDERSON, Individually  
and as Next Friends of  
CLAYTON BOHART ANDERSON,  
a Minor,

Plaintiffs,

VS.

ABBOTT LABORATORIES,

Defendant.

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CASE NO. 3:11-cv-01825-L

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO  
DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

On September 27, 2011, Defendant, Abbott Laboratories filed its Motion to Dismiss for Failure to State a Claim (Doc. 8). Plaintiffs' response in opposition is currently due by October 18, 2011. Plaintiffs seek an additional two weeks, or until November 1, 2011, to file their response. Defendant's counsel does not oppose this request.

Lead counsel for Plaintiffs is out of state on a planned vacation (having attended and participated in the wedding of his youngest daughter). Associate counsel for Plaintiffs is also out of state on a planned vacation attending and participating in the wedding of his wife's sister. Due to other events and other scheduling conflicts, it is proving problematic for Plaintiffs to adequately respond to Defendant's motion by October 18<sup>th</sup>. Thus, Plaintiffs' counsel seeks this modest extension in order to better balance their manpower issues and professional obligations.

Plaintiffs respectfully request that they be allowed until Tuesday, November 1, 2011, to file their response in opposition to Defendant's Motion for Summary Judgment. An Order to that effect is also submitted. This modest extension should not affect any trial deadlines.

Certificate of Conference

Abbott's counsel has relayed that they do not oppose this extension. It is requested that Defendant's reply date be extended by two weeks thus being due by November 15, 2011.

Respectfully submitted,

PERDUE KIDD & VICKERY

/s/ Arnold Anderson (Andy) Vickery

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*Lead Counsel for Plaintiffs*

Certificate of Service

I certify that on this 12<sup>th</sup> day of October, 2011, Plaintiffs' Unopposed Motion for Extension of Time to File Response to Defendant's Motion for Summary Judgment has been electronically filed with the Clerk using the CM/ECF system, which will automatically send email notifications of such filing to the following attorneys of record:

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